



NASSAU COUNTY HUMAN RESOURCES

ONE WEST STREET
MINEOLA, NEW YORK 11501-4895
TEL. (516)-571-3072
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TO: All Nassau County Employees and Residents

FROM: Jo-Ann H. Goldson, Director of Human Resources

RE: Equal Employment Opportunity Policy at Nassau County

Following is Nassau County's Equal Employment Opportunity policy, effective February 2003. While our policy is currently undergoing its biennial review, the contact information for our Director of Equal Employment Opportunity has changed.

The new Director is Mary Elisabeth Ostermann. All inquiries regarding Equal Employment Opportunity should be directed to her attention at (516) 571-6176 or to MOSTERMANN@nassaucountyny.gov.

Further questions may be directed to my office at (516) 571-3072.

Nassau County
Equal Employment Opportunity Policy
2003



Thomas R. Suozzi, County Executive

John P. Donnelly, Director, Human Resources
Dean E. Bennett, Director, Equal Employment Opportunity

EEO Policy

Nassau County
One West Street
Mineola, NY 11501

1. Workforce Environment Statement

An Equal Opportunity Employer

Nassau County is committed to a policy of equal opportunity and does not discriminate against employees or applicants on the basis of age, sex, sexual orientation, race, color, creed, religion, ethnicity, national origin, disability, marital status, familial status, veteran status or any other basis protected under federal, state, and local laws, regulations, or ordinances. This equal employment policy shall apply to all employees, part-time, full time, temporary or other terms and conditions of County employment.

Nassau County has a firm commitment to achieving a zero tolerance policy in the workplace with regard to any forms of illegal discrimination or harassment. It is our goal to provide a workplace where diversity and equality are embraced. In fact, we view this goal as a key to our success as we move into the 21st Century. We must make every reasonable effort to ensure that all employment related decisions are based on non-discriminatory factors like performance, commitment, position requirements, and other job related criteria.

The County of Nassau actively seeks to employ and advance qualified individuals, regardless of age, sex, sexual orientation, race, color, creed, religion, ethnicity, national origin, disability, marital status, familial status, and veteran status.

Sexual and Other Forms of Harassment

Nassau County has adopted an explicit policy prohibition with respect to sexual and other forms of harassment. Sexual harassment is a form of misconduct that undermines the employment relationship. No employee, either male or female, should be subjected verbally or physically to unsolicited and unwelcome sexual overtures or other harassing conduct.

While it is not easy to define precisely, harassment refers to behavior that is not welcome, that is personally offensive, that debilitates morale, and therefore interferes with work effectiveness. As part of its continuing Equal Employment Opportunity efforts and pursuant to guidelines on sex discrimination issued by the EEOC, Nassau County fully supports federal, state, local and laws that protect and safeguard the rights and opportunities of all people who seek, obtain and hold employment without subjugation to sexual harassment or discrimination in the workplace.

Behavior that amounts to sexual or other harassment may result in disciplinary action, up to and including dismissal. Nassau County expects that all of its employees as well as volunteers, contractors, and other non-employees will treat each other and our customers with courtesy, dignity and respect. Just as we do not tolerate violations of other laws in our workplace, we do not tolerate violations of the laws prohibiting harassment and expect all employees to report any such incidents that they may experience or observe.

Definition

Nassau County has adopted, and its zero tolerance policy is based on, the definition of sexual harassment set forth by the Equal Employment Opportunity Commission (EEOC). The County's policy prohibits any form of sexual harassment including, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, or
- in third party situations, one individual is offended by the sexual interaction, conduct or communications between others.

Retaliation

Any employee of Nassau County has a legal right, at any time, to raise the issue of discrimination or harassment without fear of reprisal.

Reasonable Accommodation for Religious Observance/Beliefs

Employee leave requests for religious observance shall be granted - including days off for religious observance - unless doing so would create an undue hardship, such as an obstruction to the proper operation of governmental functions.

Reasonable Accommodation for Disability

Nassau County will not discriminate against people with disabilities in regard to any employment practices or terms, conditions, and privileges of employment. The County, in accordance with law, will make reasonable accommodations to otherwise qualified applicants and employees with disabilities to enable them to perform the essential functions of their jobs and to enjoy the equal benefits and privileges of employment, unless providing such accommodation would impose an undue hardship on the proper operations of governmental functions.

2. Organizational Outline

a. *County Executive*

The County Executive shall have ultimate authority to ensure achievement of the objectives set forth in the Nassau County EEO Policy and enforce federal, state, and local equal employment opportunity laws within County government. To this end the County Executive will:

- (i) Designate a Director of Equal Employment Opportunity within the Department of Human Resources. The Director of EEO shall report to the Director of Human Resources and shall have access to any such other personnel necessary and appropriate to effectuate this policy;
- (ii) Review reports from the Director of Human Resources on the progress of EEO programs as described in 2(b);
- (iii) Convene, at the request of the Director of Human Resources, at least one yearly meeting of department heads for general discussion of the progress made, and the problems encountered, in implementing the EEO plans for the County.

b. ***Director of Equal Employment Opportunity***

The EEO Director shall be responsible for the design, implementation and administration of Nassau County's EEO Policy, plans and programs. The Director is responsible for developing policies and programs to ensure that the County fully complies with the Equal Employment Opportunity Act of 1972, the New York State Human Rights Law, all other applicable federal, state and local laws and regulations. This Director shall also develop specific programs designed to achieve measurable goals and objectives.

c. ***Director of Human Resources***

The Director shall provide management oversight to the EEO Director and the implementation of policy plans and programs. The Director of Human Resources has the authority to accept or reject any initial recommendations by the EEO Vertical Representatives and the EEO Representatives.

d. ***Commissioners/Department Heads***

Commissioners and Department Heads shall be generally responsible for ensuring that Nassau County's EEO policy is implemented fully within their Departments.

e. ***EEO Vertical Representatives***

These representatives shall be designated by the Deputy County Executive in charge of each vertical to assist in the implementation and coordination of the general EEO policy. The EEO Vertical Representative will also assist in the preparation of the County's annual EEO-4 Report.

f. ***EEO Representatives***

Each department head will be responsible for appointing an EEO Representative.

Under the supervision of the EEO Vertical Representative, the EEO Representatives are generally responsible for the investigation and resolution of complaints to the extent possible at the department level.

g. ***Appointments***

The appointment of all EEO Vertical Representatives and EEO Representatives is subject to approval by the Director of Human Resources.

3. Complaint and Investigative Procedure and Complaint Form

See Appendix A for the Complaint and Investigation Procedure.

See Appendix B for the Complaint Form

See Appendix C for the Nassau County Executive Order No. 2-2003

4. Successful Implementation of County Guidelines

Dissemination

New employees will receive a copy of the policy and will be requested to read the policy and sign a receipt acknowledging that they are aware of the standards of behavior expected. A copy of this policy shall be distributed periodically to each employee. The head of each department, agency, board, commission, or other office of Nassau County shall post this policy in each facility. Complaint forms may be obtained by contacting Human Resources, the Director of EEO, or EEO Representatives.

5. Future training and development

The County will conduct training and educational sessions to further its commitment to equal opportunity and its prohibition of discrimination and harassment.

Appendix A

COMPLAINT AND INVESTIGATION PROCEDURE: **DISCRIMINATION, HARASSMENT/SEXUAL HARASSMENT**

§1. Reporting.

a. Initial Complaint.

(i) An employee may file a complaint with the EEO Representative of his or her Department, or, in the event that the employee feels it is inappropriate to address the complaint within the Department, with the Vertical EEO Representative (the EEO Representative appointed by the Deputy County Executive to whom the Department head reports) if s/he believes that s/he has been the victim of sexual harassment or has been discriminated against by a manager, supervisor, another employee or an independent contractor working for Nassau County because of actual or perceived: age, sex, sexual orientation, race, color, creed, religion, ethnicity, national origin, disability, marital status, familial status, veteran status or any other basis protected under federal, state, and local laws, regulations, or ordinances. Employees will not be retaliated against for consulting about sexual harassment or a suspicion of discrimination or for filing a complaint or cooperating in an investigation.

(ii) A complaint may be made verbally, by letter, or on a complaint form
(appendix B) Employees are encouraged to file all complaints in writing.

(iii) In the event that the person complaining of discrimination or sexual harassment determines that the complaint should not be addressed within the Department, the complaint shall be forwarded immediately to the Vertical EEO Representative.

(iv) The EEO Representative will assist the person in determining whether the issue s/he has raised is appropriate for resolution through the complaint process.

(v) A record shall be maintained of every complaint initiated. Such record shall include, but not be limited to: the date, time and manner in which the complaint was initiated; the date and time of the first meeting with the person complaining of discrimination, harassment or sexual harassment; a description of the complaint; and a description of the action agreed upon to attempt to resolve the issue. EEO Representatives shall file a report containing such information, as the County EEO Director shall require, with the EEO Vertical Representative, EEO Director, and Director of Human Resources, immediately upon conclusion of the initial interview with a complainant.

- The EEO Representative shall complete the investigation and make a determination on the complaint no later than ninety days from the filing of a complaint.
- Nothing shall prevent the complainant or the EEO Representative from determining at any time before such ninety day period has expired that the attempt to resolve the issue is not succeeding and that the complaint should be forwarded for investigation to the County EEO Director.
- The EEO Director may at any time determine that a matter warrants his or her attention and that s/he shall take part in the investigation or direct the EEO Representative to expedite the investigation.

(vi) Employees have the right to meet privately with the EEO Representative during working hours. However, the employee should obtain prior approval for leaving his/her work assignment. Reasonable leave requests to meet with respect to an EEO complaint shall not be denied, and the employee need not disclose details of the purpose of the meeting. Managers and supervisors shall allow employees to meet regarding EEO matters at the earliest practicable time consistent with the operational needs of their units.

b. Privacy and Confidentiality.

(i) The EEO Representative shall arrange to meet with the person complaining of discrimination, harassment or sexual harassment in a place that will ensure confidentiality, to the extent provided by law.

(ii) The EEO Representative and the EEO Director shall treat complaints and other information provided by employees confidentially and shall not discuss any information obtained from a person who seeks his/her assistance with other personnel, except as may be necessary to conduct an investigation and/or resolve a complaint. It should be noted, however, that subsequent developments in an investigation, or litigation, may require disclosure

c. Withdrawing a Complaint.

A complaint of discrimination or sexual harassment may be withdrawn at any time by the person who filed the complaint. Prior to making any determination to end an investigation where a complaint has been withdrawn, the EEO Representative shall assess whether evidence has been found that requires the agency to take corrective action and shall document such assessment and notify all the parties to the complaint, the EEO Director, the Department head, the Director of Human Resources and the Deputy County Executive to whom the Department head reports. The decision to proceed with corrective action shall remain exclusively with the County.

d. Other Places to File a Complaint.

Any person who believes that s/he has experienced discrimination has a right to file a formal complaint with several federal, state or local agencies, some of which are listed below. A person does not give up this right when s/he files a complaint with the Department EEO Representative. The following federal, state and county agencies investigate discrimination, harassment, sexual harassment matters and enforce laws applicable laws.

Nassau County Human Rights Commission

1550 Franklin Avenue, Room 107

Mineola, NY 11501

Phone: 516-571-3662

New York State Division of Human Rights

One Fordham Plaza, 4th Floor

Bronx, New York 10458

Telephone No. (718) 741-8400

New York State Division of Human Rights

175 Fulton Avenue

Hempstead, New York 11550

Telephone No. (516) 538-1360

U.S. Equal Employment Opportunity Commission

1801 L Street, N.W.

Washington, D.C. 20507

Phone: (202) 663-4900

TTY: (202) 663-4494

New York District Office

33 Whitehall St

New York, NY 10004

Telephone Number

Phone: (212) 336-3620

TTY: (212) 336-3622

In addition to the above, a person with a complaint alleging discrimination based on disability may file with the **United States Department Of Justice**, Constitution Avenue & Tenth St. N.W., Washington, D.C. 20530 (202) 514-0301 (Voice); (202) 514-0381(TTY); (202) 514-0383.

§2. Investigation of Complaints.

- a.** The EEO Representative shall conduct an investigation of every complaint received by or forwarded to him/her. Upon receipt of a complaint alleging that the Department head has engaged, or is engaging, in unlawful discriminatory conduct or harassment, the EEO Representative shall notify the Deputy County Executive to whom the Department head reports, and such Deputy County Executive shall assign the Vertical EEO Representative to investigate the complaint or, in his or her discretion, request that the EEO Director conduct the investigation.
- b.** The EEO Representative shall conduct a prompt, thorough and fair investigation of the allegations in the complaint, including, as appropriate, interviews of the parties involved and any relevant or necessary witnesses, review of any relevant available records and such other actions as s/he determines necessary. A person who has been named as the respondent in the complaint shall receive a copy of the complaint and shall have the opportunity to respond in writing or in person, or both. Such respondent, and all witnesses identified by the investigator as relevant, shall have the obligation to cooperation in the investigation.
- c.** The EEO Representative shall make a confidential written report of the investigation to the EEO Director, the Department head, the Director of Human Resources and the Deputy County Executive to whom the Department head reports. The Department head shall review the report and take such corrective action, as s/he deems appropriate and report such action to the Deputy County Executive to whom s/he reports and to the County EEO Director.
- d.** Corrective action may include measures necessary to address the impact that any conduct in violation of the law or of County policy has had on the complainant and others in the workplace. Corrective action may also include disciplinary measures such as formal reprimand, suspension, probation, transfer, demotion, fine or termination. Disciplinary measures shall be taken in accordance with any applicable provisions of law, rules and regulations, and collective bargaining agreements. Documentation of any corrective action taken to resolve an EEO complaint shall be placed in the file regarding such complaint.
- e.** All parties shall be advised in writing of the outcome of the complaint.

Appendix B

Nassau County EEO Complaint Form

(Please Print & Use Ink)

Name: _____

Address: _____

Position Title: _____ Department: _____

Phone: Business () _____ Home () _____

I prefer to be contacted at: Home Work days time

Are you a Nassau County Employee? Yes No

Person to contact if I cannot be reached: _____
Name phone

1. Describe the incident(s) or situation(s) that you believe were harassment or discrimination?
2. On what basis do you feel you were discriminated or harassed?
3. Please give the Date of Occurrence. If this is an incident of ongoing discrimination or harassment, please identify the time period: mm/dd/yy
4. Have you ever reported this or any other incident to the County? __Yes __No
If yes, when and to whom was the report made? what, if any action, has been taken by the County?
5. If there are witnesses to the discrimination/harassment who may be able to help in the investigation, please list names, job title and phone number (if possible).

6. What action do you request the County take?

7. Have you filed a grievance regarding this matter? ☐ Yes ☐ No
(Filing this complaint does not preclude you from filing elsewhere)
(If yes, answer the following)

a. Date grievance was filed?

b. Name of representative organization

c. Do you have an attorney? ☐ Yes ☐ No

d. Have you filed a complaint on this matter with any other agency? If so, please specify:

Equal Employment Opportunity Commission, date complaint filed

Fair Employment Practices Commission, date complaint filed

New York State Human Rights Commission, date complaint filed

Other date complaint filed

Other: _____

I understand that the EEO Representative will gather all information to investigate my complaint.

Signature of Complainant

Date

Office Use Only:

Complaint Received by _____

Complaint # _____

Date and Time Complaint Received _____

Date and Time Reported to EEO Representative _____

EXECUTIVE ORDER BY THE COUNTY EXECUTIVE PURSUANT TO SECTION 203 OF THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY

WHEREAS, Nassau County is committed to a policy of equal employment and prohibits discrimination in employment on the basis of age, gender, alienage or citizenship status, race, color, creed, ethnicity, national origin, marital status, sexual preference or disability; and

WHEREAS, Nassau County actively seeks to create diversity and equality in the workplace; and

WHEREAS, County employees have the right to enjoy a workplace characterized by civility and mutual respect, free of discrimination or sexual harassment; and

WHEREAS, in order to protect the rights of employees to be free of discrimination and sexual harassment in the workplace, and to promote mutual respect, the County must take measures to inform and educate its workforce and to establish effective mechanisms that will investigate and address instances of such discrimination and harassment and to ensure that no employee is retaliated against for complaining against such discrimination or harassment; and

WHEREAS, I find it necessary and desirable to provide as follows for the protection from discrimination and sexual harassment of employees of the County pursuant to the authority vested in me by section 203 of the Charter, now, therefore, be it

ORDERED, that an Equal Employment Opportunity ("EEO") Office be established within the Nassau County Department of Human Resources, to be headed by a Director who shall report to the Director of Human Resources and who shall be responsible for the design, implementation and administration of EEO activities throughout the County, including, but not limited to, the dissemination of information, the education of employees, the training of persons to investigate complaints of discrimination and harassment and the investigation and resolution of such complaints; and be it further

ORDERED, that each head of a department in Nassau County shall, in consultation with the EEO Director and the Director of Human Resources, appoint an EEO Representative, who shall be charged with EEO responsibilities, including the investigation of complaints; and be it further

ORDERED, that each Deputy County Executive shall appoint an EEO Representative who shall be charged with EEO responsibilities, including the investigation of complaints; and be it further

ORDERED, that each Deputy County Executive shall appoint an EEO Representative who shall be charged with EEO responsibilities with respect to the departments supervised by such Deputy County Executive; and be it further

ORDERED, that the EEO Director shall develop policies, procedures and programs that will further the goals set forth in this Executive Order and will ensure that the County fully complies with all applicable laws regarding discrimination and sexual harassment, including, but not limited to, policies setting forth requirements for the education and dissemination of information to employees, the training of supervisors, the training of EEO Representatives, and procedures for initiating, investigating, and resolving complaints of discrimination or sexual harassment.

A handwritten signature in black ink that reads "Thomas R. Suozzi". The signature is written in a cursive, flowing style.

Thomas R. Suozzi
County Executive

Dated February 2003



NASSAU COUNTY EQUAL EMPLOYMENT OPPORTUNITY
ONE WEST STREET, Room 104
MINEOLA, NEW YORK 11501-4895
TEL: (516)-571-6176
FAX: (516)-571-4384

TO: All Nassau County Employees

FROM: Dean E. Bennett, Nassau County EEO Director

DATE: August 2003

RE: **Acknowledgment and Receipt of Nassau County EEO Policy**

As an employee of Nassau County, it is my responsibility to fully comply with the County's prohibition of all forms of discrimination or harassment. I hereby accept and acknowledge receipt of the Nassau County Equal Employment Opportunity Policy (EEO Policy) and the following components:

Workforce Environment Statement

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Harassment

- Nassau County has adopted an explicit policy against sexual and all other forms of harassment. Harassment is a form of misconduct that undermines the employment relationship. No employee, either male or female, should be subjected verbally or physically to unsolicited and un-welcomed sexual overtures or conduct.

Retaliation

- Any employee of Nassau County has a legal right, at any time, to raise the issue of discrimination or harassment without fear of reprisal.

Reasonable Accommodation for Religious Observance/Beliefs

- Request for employee leave and any other accommodations for religious observance shall be granted including days off for religious observance unless doing so would create an undue hardship or an obstruction to the proper operation of governmental functions. The department head must approve a formal request in advance.

Reasonable Accommodation for Disability

- Nassau County will not discriminate against people with disabilities in regard to any employment practices or terms, conditions, and privileges of employment. The County, in accordance with law, will make reasonable accommodations to qualified applicants and employees with disabilities to enable them to perform the essential functions of their jobs and to enjoy the equal benefits and privileges of employment, unless providing such accommodation would impose an undue hardship on the proper operations of governmental functions.

Print Name

* Employee Signature

Date

* The above signature acknowledges receipt of the Nassau County EEO Policy.